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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PATRICIA MILLS, RHONDA JONES,
LAUREL MARTIN, WILLIAM SCOTT-
SELGADO, KRISTEN SMITH, BRAD
SALAZAR, VERONICA SANDOVAL-WANG,
and JEAN ALONGE, on behalf of themselves
and all others similarly situated,

Plaintiffs,

-against-

CAPITAL ONE, N.A.

Defendant.

No. 14 Civ. 1937 (SHS) (HP)

**NOTICE OF MOTION OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT,
CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS, APPOINTMENT
OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND APPROVAL OF
PLAINTIFFS' PROPOSED NOTICES OF SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notices of Settlement ("Motion for Preliminary Approval") and in the Declarations of

Justin M. Swartz (“Swartz Decl.”) and Gregg I. Shavitz (“Shavitz Decl.”) in Support of Plaintiffs’ Motion for Preliminary Approval, and the exhibits attached thereto, Plaintiffs respectfully request that the Court enter an Order:

(1) granting preliminary approval of the Joint Stipulation of Settlement and Release (“Settlement Agreement”), attached as **Exhibit A** to the Swartz Declaration;

(2) conditionally certifying the following settlement subclasses under Fed. R. Civ. P. 23(a) and (b)(3) for purposes of effectuating the settlement:

- a. New York Class Members: The “New York Class Members” consist of all individuals who were employed as ABMs by Defendant in the State of New York from March 7, 2008 through July 7, 2014;
- b. New Jersey Class Members: The “New Jersey Class Members” consist of all individuals who were employed as ABMs by Defendant in the State of New Jersey from March 7, 2012 through July 7, 2014; and
- c. Maryland Class Members: The “Maryland Class Members” consist of all individuals who were employed as ABMs by Defendant in the State of Maryland from March 7, 2011 through July 7, 2014.

(3) appointing Outten & Golden LLP and the Shavitz Law Group, P.A. as Class Counsel;

(4) approving the Proposed Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing, attached as **Exhibit B** to the Swartz Declaration; and the Proposed Notice of Proposed Settlement of Collective Action Lawsuit and Fairness Hearing, attached as **Exhibit C** to the Swartz Declaration; and directing their distribution; and

(5) granting such other, further, or different relief as the Court deems just and proper.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court’s convenience.

Dated: July 29, 2014
New York, New York

Respectfully submitted,
OUTTEN & GOLDEN LLP
By:

/s/ Justin M. Swartz
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**Attorneys for Plaintiffs and the Putative Class
and Collective**